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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL FONTES, an individual

Plaintiff,

vs.

AUTOCOM NETWORKS, INC., a
California corporation; AUTOCOM
POWER, LLC, a California limited
liability company d/b/a AUTOCOM
NISSAN OF OAKLAND; M&M
AUTOMOTIVE GROUP, INC., a
California corporation d/b/a Volkswagen
of Oakland; MICHAEL P. MURPHY, an
individual formerly d/b/a NISSAN OF
OAKLAND; NISSAN NORTH
AMERICA, INC., a California
corporation; JOSE PEREZ, an individual
a/k/a JOSE CARMEN PEREZ GARCIA;
TDK TRUST DATED JANUARY 23,
1995, and DOES 1 through 10, inclusive,

Defendants.

Case No. CV 15-02044 CRB

*Assigned for all Purposes to the Honorable
Charles R. Breyer, Courtroom 6*

**NOTICE OF SETTLEMENT AND
STIPULATION AND TO CONTINUE DATES
AND INITIAL CASE MANAGEMENT
CONFERENCE;**

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STIPULATION AND [PROPOSED] ORDER TO CONTINUE DATES
AND INITIAL CASE MANAGEMENT CONFERENCE
[CASE NO. CV10-02044 CRB]

STIPULATION

WHEREAS, the Parties participated in mediation on October 8, 2015 and thereafter, on the same day, entered into a Stipulation of Settlement, wherein all Parties agreed upon a full settlement and compromise of this action and a release and discharge of all claims by and between all Parties;

WHEREAS, pursuant to the Stipulation of Settlement, the Parties shall be entering into a long form settlement agreement that the Parties expect will be satisfied in its entirety within 90 days from the date of this Stipulation, including, but not limited to delivery of an executed Dismissal with Prejudice of this action by Plaintiff to Defendants (“Dismissal”);

WHEREAS, in light of the foregoing, the Parties have agreed to an extension of time pursuant to which all Defendants shall have an additional 90 days from the presently pending due date, up to and including January 21, 2016, to answer, move, or otherwise respond to Plaintiff’s Complaint, in order to complete the settlement terms;

WHEREAS, an initial Case Management Conference (“CMC”) is currently scheduled for hearing on December 4, 2015 at 8:30 a.m.;

WHEREAS, in the interest of judicial economy, the Parties request a continuance of the CMC by a corresponding 90 days to March 3, 2016 in order to allow time for the Parties to complete the settlement terms and dismiss the Action;

WHEREAS, the Parties further acknowledge that the filing of this Stipulation shall not be construed as an appearance or acknowledgement of jurisdiction on any of the Defendants, and that any challenges to jurisdiction are hereby reserved by Defendants, and each of them;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, pursuant to U.S. District Court, Northern District of California Local Rule 6-1(a), that Defendants, and each of them, shall have up to and including January 21, 2016 to answer, move, or otherwise respond to the Complaint filed in this matter.

THEREFORE, the parties respectfully request that the Court continue all currently set dates in this matter, including the dates by which Defendants are required to respond to the Complaint, and the December 4, 2015 Case Management Conference. In particular, the Parties respectfully request that the date for Defendants to file responsive pleadings be continued to January 21, 2016; and that the initial Case Management Conference be scheduled on March 3, 2016, or at the Court's convenience sometime during or after March 3, 2016.

Dated: October 19, 2015

Respectfully submitted,
50 BALMY LAW, P.C.

By: /s/ Brooke Oliver
Brooke Oliver
Attorneys for Plaintiffs DANIEL FONTES

Dated: October 19, 2015

Respectfully submitted,
ARENT FOX LLP

By: /s/ Victor P. Danhi
Aaron H. Jacoby
Victor P. Danhi
Attorney for Defendants
AUTOCOM NETWORKS, INC.,
AUTOCOM POWER, LLC, JOSE PEREZ,
and NISSAN NORTH AMERICA, INC.

Dated: October 19, 2015

Respectfully submitted,
BELZER & MURRAY LLP

By: /s/ William J. Murray
William J. Murray
Attorney for Defendants
MICHAEL P. MURPHY and M&M
AUTOMOTIVE GROUP, INC.

Dated: October 19, 2015

Respectfully submitted,

KAY & MERKLE, LLP

By: /s/ Douglas A. Marshall

Douglas A. Marshall
Attorney for Defendant
TDK TRUST

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STIPULATION AND [PROPOSED] ORDER TO CONTINUE DATES
AND INITIAL CASE MANAGEMENT CONFERENCE
[CASE NO. CV10-02044 CRB]

ORDER

The Court having considered the foregoing Stipulation of the Parties and good cause appearing therefore, it is hereby **ORDERED** that all previously scheduled dates in this matter are vacated, and the following dates shall apply:

In the event a dismissal of the entire action is not filed by January 21, 2016, all defendants which have not been dismissed from the action shall file a responsive pleading by that date.

The Initial Case Management Conference shall be held on March 4, 2016 at 8:30 a.m. in Courtroom 6, 17th floor, 450 Golden Gate Avenue, San Francisco, California.

Lead trial counsel shall meet and confer not less than thirty (30) days in advance of the conference and shall file a joint case management statement in the form contained in the Civil Local rules as supplemented by this order not less than seven (7) days in advance of the conference.

If the conference is inconveniently scheduled, it may be rescheduled by stipulation and order to another date or time convenient to the Court's calendar.

At the conclusion of the conference, an order will be entered setting dates either for a further case management conference, or for close of discovery, pre-trial conference, and trial. Other orders regulating and controlling future proceedings may be entered.

Plaintiff shall serve copies of this order at once on any parties subsequently joined, in accordance with Federal Rules of Civil Procedure 4 and 5. Following service, plaintiff shall file a certificate of service with the Clerk of this Court

SUPPLEMENTAL TO INITIAL CASE MANAGEMENT STATEMENT

At the initial case management conference, the parties or at least one attorney of record for each party must appear in person. See FRCP 26(f); Civil LR 16-10(a). The case management statement may not exceed ten pages. It should briefly describe the parties' controversy. Any party seeking damages must set forth in the statement the amount sought and the basis for its calculation.

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STIPULATION AND [PROPOSED] ORDER TO CONTINUE DATES
AND INITIAL CASE MANAGEMENT CONFERENCE
[CASE NO. CV10-02044 CRB]

IT IS SO ORDERED.

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE